

Bangladesh: Protecting the Human Rights of Thought, Conscience, and Religion:

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Mr. President, Excellencies, Ladies and Gentlemen. I consider it a great privilege to have been called to speak on 'Religious freedom in Bangladesh'. As a former chief Justice of Bangladesh, at the outset I would like to focus on the provisions of the Constitution of Bangladesh in matter related to religion. The Constitution of Bangladesh prohibits all kinds of discrimination on the basis of religious faith; all citizens are free to practice, propagate and observe religious rites and ceremonies. As a matter of fact, religious freedom is guaranteed in the Constitution of Bangladesh. 'Secularism' was one of the four principles in the preamble of the Constitution of 1972. Subsequently, 'Absolute trust and faith in the Almighty Allah' was incorporated in 1977 in place of secularism. In Article 2A, Islam was made the state religion in 1988. Though Islam is constitutionally accepted as the state religion, "other religions may be practiced in peace and harmony in the Republic." Ladies and Gentlemen, Article 28 of the Bangladesh Constitution provides that the state shall not discriminate against any citizen on the grounds only of religion, race, caste, sex or place of birth. Further, in part III of the Bangladesh Constitution, which contains 'Fundamental Rights', Article 41 included freedom of religion. I have responded to the invitation to signify the importance you attach to the invitation and process of the Commission's work and that of international community in this context. Subject to law, public order and morality- every citizen has the right to profess, practice or propagate any religion; every religious community or denomination has the right to establish, maintain and manage its religious institutions. No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own. The emphasis in this article is on the practice of religious freedom by all individuals and on the establishment of religious institutions. According to this article, it may be noted that a person attending any educational institution can receive religious instructions, or can take part in or attend, religious ceremonies, which cannot be other than those of his own religion. Thus, a total guarantee of religious faith is recognized in the Constitution of Bangladesh. Ladies and Gentlemen, Article 11 of the Bangladesh Constitution, which deals with Fundamental Principles of State Policy, provides that the Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed. This article provides as the directive principle of state policy (regulatory principle), which is not enforceable at law. Article 11 is, in fact, the cornerstone of Bangladesh democratic society. I personally hold the view that the courts in all jurisdictions, whether human rights are statutorily recognized or not, have a moral responsibility to endeavor to protect human rights. Article 39: of the Bangladesh Constitution speaks of "Freedom of thought and conscience and of speech. Subject to any reasonable restrictions imposed by law in the interest of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relations to contempt of court, defamation or incitement of an offense - the right to every citizen to freedom of speech and expression; and Freedom of the press is guaranteed." Ladies and Gentlemen, Apart from the constitutional guarantees, the ground reality in Bangladesh is that people of all religious faiths are living together in mutual socio-economic and peaceful relations. In democracy, the perception of the majority of the people is very important. In that sense, Bangladesh is a non-communal state. Truly speaking, in Bangladesh religious fanaticism and extremism is a rare event. Bangladesh is universally and, by and large, regarded as a moderate Muslim democratic country all over the world. Although Bangladesh has a vast majority of Muslim population it has a long history of communal harmony and religious tolerance. Basically, the vast majority of Muslims of Bangladesh is non-communal and maintains good relationship with other religious communities. Religious tolerance and harmony I maintained to a large extent. We may say that in every society there are evil persons who may at times cause disharmony among different religious groups and that too for private reasons, to utter disapproval of the vast well meaning citizens. It won't be out of place to mention some of the incidents of the recent past that took place on the minorities in Bangladesh, as reported in some newspapers. On November 19, 2003, 11 members of a Hindu family were burnt to death near Chittagong. This was reportedly an act for failure to commit decoity in that house. Some members of that family were working in Japan and Middle East as barbers and they regularly used to send money. This was known to all. Previously, attempts were made to commit decoity in that house. To get rid of the dacoits, the members of the house rebuilt the house like a fortress and used to stay on the first floor. Finding difficulties to commit decoity, the miscreants burnt the entire house from outside. This was thus apparently a case of decoity. The investigation is likely to treat the incident as a case of decoity for money and the burning of humans as vengeance for repeated failure to effect the commission of the offence in that house on the part of the dacoits. On April 2000 Ganojyoti Moharthobir, a monk at a Buddhist temple in Chittagong was killed. This was a case of land grabbing as reported in the press. Principal Gopal Krishna Muhari of Nazirhat College in Chittagong was killed because he detected defalcation of College fund by some teachers and others. In that case four accused persons were given death sentences, and four were sentenced to life imprisonments. On November 22, 2003, a mob attempted to destroy an Ahmedia Mosque in Dhaka. Further, an extremist party named "Khatmi Nobuit" became vocal to declare Ahmediyas as non-Muslims. This incident was controlled by the Government and in that incident ten police personnel were injured.

The Minister for religious Affairs said that the Government could take no steps to declare Ahmediyas as non-Muslims. The government, however, prohibited publication and distribution of booklets, which were highly inciting to political party named Jamat-e-Islami, a coalition partner of BNP Government. Its head, Mr. Matiur Rahman Nizami is a Minister of the Government, who clearly stated that his party did not support this movement against the Ahmediyas. This is also a

positive stand that Jamat-e-Islami, being a religious party took against this violence. Jamat-e-Islami as a political party declares in its manifesto:

Laws shall be enacted to stop anti-religious propaganda and punish those who make indecent remark to religion. Believers in other religions shall enjoy full freedom to practice their respective religions.

Thus, in the election manifesto of this party there is an assertion of religious freedom for all religious faiths as well. It is unfortunate that Professor Humayan Azad of Dhaka University was assaulted severely on that night of February 27, 2004. He is now having better treatment at Bangkok at the expenses of the Government of Bangladesh. He, recently wrote a book entitled "Pak Sar Zamin Sad Bad", which is the commencing expression of the national song of Pakistan, criticizing Islamic fundamentalist of Bangladesh oblique in language which is generally looked upon as revengefully obnoxious. A case has been filed in this regard and nothing tangible could be ascertained till now. Soon after the parliamentary election of 2001, some BNP and Jamat rowdy elements pounced upon a few Awami Leaguers and members of Hindu community in a few places, believing that these members opposed the BNP Panel candidates tooth and nail. In an interview to the BBC on August 17, 2002, Attorney General, Hasan Arif, observed, "It was only incidental that the political victims hailed from a minority community". Thus, it appears to be a political victimization not a case of religious violence. In 2001, the High Court declared all fatwas illegal or expert opinions on Islamic law given by madrassah-educated zealots. Appellate Division stayed the judgment of the high Court Division. As a matter of fact, according to the Constitution of Bangladesh no one can give fatwas in our Democratic Republic. Fatwas are given illegally and unconstitutionally, in case of marriage and divorce with arbitrary punishments mostly against women in rural areas.

I may mention that on February 27, 2004, Attorney General of Bangladesh said "It is not the society, the State of majority people who are creating intolerance but a small group of people are involved in the act" Ladies and Gentlemen, 87% of the population of Bangladesh is Muslims, 11% are Hindus and 3% are Buddhists and Christians. The Ministry of Religious Affairs of the Government of the People's Republic of Bangladesh has been playing a significant role in eliminating terrorism, violation of human rights and other anti-social activities through publicity of peaceful co-existence of all religious communities. Besides, this Ministry has also been implementing various socio-economic and humanitarian activities including training of religious leaders, setting up temple based library and child and mass education programs mosque-based mass literacy programs etc. Former U.S.A. Ambassador to Bangladesh Mary Ann Peters attended a conference of Imams at Dhaka. She opined that Imams (religious leaders) can be leaders of their communities at grass-root level and as such they are in a position to disseminate idea of innovations throughout the country. There are about 20,000 temples in Bangladesh. Hindu communities perform all religious festivals peacefully. In the year 2003, Durga Puja, the biggest Hindu festival was celebrated in 16,938 centers in Bangladesh with all its grandeur. Teachings of Krishna, Buddha and Jesus Christ are discussed by prominent adherents of the concerned religions and broadcast from electronic media in weekly programs of the government. "The Hindu Religious Welfare Trust" which has been established as per law gets adequate amount of money each year for the development and renovation work of temple/Asram. To provide welfare of the Hindu community, the Trust in particular and without prejudice to the generality of provision of the Act provides assistance to the Hindu Community. The government has set up "Buddhist Religious Welfare Trust." The Buddhist community of Bangladesh is rooted to an ancient heritage, which is almost as old as Buddhism itself. There are various groups amongst Buddhists in Bangladesh and they are closely associated with the society, educational and cultural development of Bangladesh. Like other religious communities, they enjoy equal rights, freedom of religion and worship. They can freely perform their religious festivals without any interference. There are about 1500 Buddhist Temples in Bangladesh and government grants money for maintenance of those Temples. The Christian community is also living in peace with other communities in Bangladesh. Ladies and Gentlemen, We have a historical tradition of respecting the dignity and honour of all religions and faiths. Islam, Islamic jurisprudence and Islamic culture can justly be regarded as a great repository of values of ideas, of ideology, which are very relevant to the national condition of Bangladesh at the present time. Islam as a religion believes in collective decision, give and take, tolerance, human dignity, neighborliness, standard of equity and social concern and love for all. Ladies and Gentlemen, A true Muslim cannot be a fanatic and harbourer of extremism. The President of the United States rightly acknowledged high sense of tolerance in Islam when he spoke, "The Islam that we know is a faith devoted to the worship of God, as revealed through the Holy Quran. It teaches the value and importance of charity, mercy and peace." Thus, the President of the United States of America truly dispelled the misgiving against a true Muslim who professes Islam as a religion. In fact there is no basis to think Muslims of Bangladesh harbour extremism and nurse any intolerant attitude towards people of other religious communities. Ladies and Gentlemen, The rate of unemployment in the most populous (150m) Bangladesh is very high; particularly there is also high percentage of educated unemployed youth. Finding no other avenues of employment they have become highly intolerant having failed to satisfy their needs and greed in normal life they have tended to indulge in all kinds of criminal activities, which are not confined to any particular community. The motivation in many cases is not religious extremism or religious fanaticism, but pure and simple impulse for economic gains. I may fail in my honest belief that the prevalent criminalization of politics in Bangladesh is likely to head towards communal disharmony in the future. To my knowledge, no communal disharmony in the future. From some of these isolated incidents, one cannot legitimately conclude that religious fanaticism is growing in Bangladesh. The Hindus and other minorities who constitute about 14 percent of the population of Bangladesh are supposed to share in more or less in the same percentage the various socio-economic and political depredations. We must not confuse criminal depredations with what is purely termed as persecution. I may point out that India is a secular State, yet communal riots took place in Gujarat and

other places of India very recently on a large scale in reaction to such incidents nothing happened in religiously tolerant Bangladesh. Ladies and Gentlemen, No country of the world is free from the broad definition of terrorism. In that perspective, Bangladesh also is not free from small groups of terrorists composed of adherents of the various religions. We want that the activities of such groups to be checked by the Government of Bangladesh with strong hand. To my knowledge, investigations are continuing in such cases. It may be mentioned that a small group of criminals (terrorists) composed of fanatics has already been arrested in Bangladesh. A combined regional effort and co-operation among the SAARC Countries will be of great importance to check terrorism and religious extremism of the region where ever these might exists. In principle, a SAARC agreement to combat international terrorism exists. Bangladesh's policy is to co-operate in all possible manner to fight international terrorism for the welfare of mankind in the civilized world. Co-operation and assistance of like-minded nations is essential to drive away the menace of fanaticism and religious extremism whenever its existence surfaces. Ladies and Gentlemen, The broad question is how we can evolve a mechanism so that growth of Islamic extremism may not in any way be a threat for Bangladesh itself and for the rest of the world. A person who is deprived of the basic needs of life and does not know the fundamentals of religion necessarily becomes intolerant and dogmatic and find religious extremism as an easy means to satisfy his egoism through terrorist activities amongst others. The United States can offer financial facility for visit of western scholars who are well versed in Islamic knowledge and bear expenses to hold seminar, symposium, workshop, discussion etc. in Bangladesh on issues relating to education, religion and culture etc. at the careful initiative of the U.S. Mission. Exchanged of scholars between these two countries can create fare more cordial understanding between Islam and Christianity, which is the religion of the west along with all other religions, for a better understanding of core rights which all human beings are entitled to irrespective of divisions based upon caste, creed, religion, etc. In the context of Bangladesh, poverty inadequate educational system, lack of economic opportunity, large-scale unemployment and inadequacy of democratic norms have been the breeding ground of terrorist activities. The United States can offer co-operative assistance to Bangladesh by giving grant/assistance to alleviate poverty and to reform the education standard. Further, by policy guideline. U.S.A. can help us in implementing our major internal reforms, to build and strengthen democracy and to expand prospect of integration of Bangladesh into the globalization ethos. The United States can improve scientific education in Bangladesh by giving scientific and technological assistance in medicine, engineering, and agriculture, and on general and vocational studies, which will in turn create job opportunities in the country and abroad. An economically satisfied person is not expected to take the risk of indulging in gruesome crimes and religious extremism.

The United States can perhaps exchange and share intelligence, expertise, training and consultation among security agencies the world over in formulating strategy of controlling terrorism anywhere and everywhere. Fro a radical reformation of Madrasa education a study group may be formed between both the countries. The initiative must come from Bangladesh government. Religious education needs to follow the specialization system as in the case of medicine, engineering and architecture. Subjects for the study of theology may be taken up from Class VIII, Bengali and English remaining the same as in the case of other categories of students. This form of education will make Madrasa educated persons economically relevant and culturally tolerant and humanistic, and communally broad minded and finally secularistic. Every state has its socio-economic political and cultural ideology. Bangladesh has incorporated such an ideology in the Constitution. Finally, I would like to say that education molds a man, develops his attitude, skill and knowledge. As such, selection of the form and the contents of education is most essential. Education enables man to flourish in material and spiritual life and illuminate his belief system. The all-pervasive education thus needs to be such as would diminish the sharp edges of beliefs to the vanishing or near-vanishing point to the assurance of the community of peace and harmony in spite of different belief systems. I therefore, urge upon the world's richest country, the United States of America, to take a lead in improving the lot of the people of Bangladesh in all its facets. To conclude, I mention the UN Secretary General Kofi Annan, who rightly suggested: "The scourge of terrorism cannot be eliminated by unilateral action.... Terrorism can only be combated by joint international strategies and actions. The UN should take a leading role in such efforts." Thank you Mr. President, Excellencies, Ladies and Gentlemen. Justice Latifur Rahman
Former Chief Justice of Bangladesh